

AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2650

Introduced by Assembly Member Nakano
(Coauthor: Assembly Member Washington)

February 25, 2000

An act to amend Section 422 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2650, as amended, Nakano. Crimes: terrorist threats.

Existing law prohibits the willful issuance of a threat to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement, be taken as a threat even if there is no actual intent of carrying out the crime, where the threat is so unequivocal, immediate, and specific so as to cause the recipient to reasonably be in sustained fear for his or her own safety or the safety of his or her immediate family.

This bill would make this provision applicable to threatening statements implied by conduct, *except for conduct that occurs during labor picketing*. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 422 of the Penal Code is
2 amended to read:

3 422. Any person who willfully threatens to commit a
4 crime which will result in death or great bodily injury to
5 another person, with the specific intent that the
6 statement, made verbally, in writing, implied by conduct,
7 or by means of an electronic communication device, is to
8 be taken as a threat, even if there is no intent of actually
9 carrying it out, which, on its face and under the
10 circumstances in which it is made, is so unequivocal,
11 unconditional, immediate, and specific as to convey to the
12 person threatened, a gravity of purpose and an
13 immediate prospect of execution of the threat, and
14 thereby causes that person reasonably to be in sustained
15 fear for his or her own safety or for his or her immediate
16 family's safety, shall be punished by imprisonment in the
17 county jail not to exceed one year, or by imprisonment in
18 the state prison.

19 For the purposes of this section, "immediate family"
20 means any spouse, whether by marriage or not, parent,
21 child, any person related by consanguinity or affinity
22 within the second degree, or any other person who
23 regularly resides in the household, or who, within the
24 prior six months, regularly resided in the household.

25 "Electronic communication device" includes, but is not
26 limited to, telephones, cellular telephones, computers,
27 video recorders, fax machines, or pagers. "Electronic
28 communication" has the same meaning as the term
29 defined in Subsection 12 of Section 2510 of Title 18 of the
30 United States Code.

31 *For the purposes of this section, "implied by conduct"*
32 *shall not apply to conduct that occurs during labor*
33 *picketing.*



1 SEC. 2. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

